

HOUSE BILL NO. 6062

November 12, 2024, Introduced by Reps. Steckloff, Rogers, Byrnes, Price, Hood, Roth, Wozniak, Breen, Hope, Conlin, Weiss, Brenda Carter, Dievendorf and Scott and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252d, 252e, 252f, 252g, 252k, 252l, 676c, 676d, and 907 (MCL 257.252a, 257.252d, 257.252e, 257.252f, 257.252g, 257.252k, 257.252l, 257.676c, 257.676d, and 257.907), sections 252a, 252f, and 252g as amended by 2018 PA 347, sections 252d and 252e as amended by 2022 PA 89, sections 252k and 252l as amended by 2008 PA 539, section 676c as added by 2014 PA 303, section 676d as amended by 2020 PA 141, and section 907 as amended by 2024 PA 22, and by adding sections 68a, 252n, 252o and chapter

IIA; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 68a. "Towing agency" means a person engaged in the**
 2 **business of removing vehicles from public or private property by**
 3 **means including, but not limited to, towing, relocating, and**
 4 **storing vehicles.**

5 Sec. 252a. (1) A person shall not abandon a vehicle in this
 6 state. It is presumed that the last titled owner of the vehicle is
 7 responsible for abandoning the vehicle unless the person provides a
 8 record of the sale as that term is defined in section 240. A person
 9 ~~who~~**that** violates this subsection and ~~who~~ fails to redeem the
 10 vehicle before disposition of the vehicle under section 252g is
 11 responsible for a civil infraction and ~~shall~~**must** be ordered to pay
 12 a civil fine of \$50.00.

13 (2) As used in this section and sections 252b ~~through~~**to** 252l,
 14 "abandoned vehicle" means any of the following:

15 (a) A vehicle that ~~has remained~~**is** on private property without
 16 the consent of the owner **if the vehicle is located in 1 of the**
 17 **following:**

18 (i) **In a private tow-away zone that meets the requirements of**
 19 **section 252k.**

20 (ii) **On real property that is appurtenant to and obviously part**
 21 **of a single- or dual-family residence.**

22 (b) A vehicle that has remained on public property for a
 23 period of not less than 48 hours, or on a state trunk line highway
 24 as described in section 1 of 1951 PA 51, MCL 247.651, as follows:

25 (i) If a valid registration plate is affixed to the vehicle,
 26 for a period of not less than 18 hours.

27 (ii) If a valid registration plate is not affixed to the

1 vehicle.

2 (c) A vehicle, other than a late-model vehicle, to which all
3 of the following apply:

4 (i) An insurance company has not acquired ownership of the
5 vehicle under section 217c.

6 (ii) The vehicle cannot be disposed of under section 248c.

7 (iii) The vehicle has remained in the custody of a vehicle
8 salvage pool or broker site without the consent of the vehicle
9 salvage pool operator or the broker for a period of not less than
10 60 days.

11 (3) If a vehicle has remained on public property for the
12 period of time described in subsection (2) (b) ~~so that it and~~
13 qualifies as abandoned, a police agency ~~having that has~~
14 jurisdiction over the vehicle or the **police** agency's designee shall
15 determine whether the vehicle has been reported stolen and may
16 affix a written notice to the vehicle. The written notice ~~shall~~
17 **must** contain the following information:

18 (a) The date and time the notice was affixed.

19 (b) The name and address of the police agency taking the
20 action.

21 (c) The name and badge number of the police officer affixing
22 the notice.

23 (d) The date and time the vehicle may be taken into custody
24 and stored at the owner's expense or scrapped if the vehicle is not
25 removed.

26 (e) The year, make, and vehicle identification number of the
27 vehicle, if available.

28 (4) If the vehicle is an abandoned vehicle, the police agency
29 or the **police** agency's designee may have the towing agency take the

1 vehicle into custody.

2 (5) A police agency that has received a vehicle taken into
3 custody as abandoned shall do all of the following:

4 (a) Recheck to determine if the vehicle has been reported
5 stolen.

6 (b) ~~Within~~ **Not later than** 24 hours after the vehicle is taken
7 into custody, enter the vehicle as abandoned into the law
8 enforcement information network, and notify the secretary of state
9 through the law enforcement information network that the vehicle
10 has been taken into custody as abandoned. Each notification ~~shall~~
11 **must** contain the following information:

12 (i) The year, make, and vehicle identification number of the
13 vehicle, if available.

14 (ii) The address or approximate location from which the vehicle
15 was taken into custody.

16 (iii) The date on which the vehicle was taken into custody.

17 (iv) The date the vehicle is being entered into the law
18 enforcement information network and whether the information is
19 being entered ~~within~~ **not later than** 24 hours after the vehicle was
20 taken into custody.

21 (v) The name and address of the police agency that had the
22 vehicle taken into custody.

23 (vi) The name and business address of the custodian of the
24 vehicle.

25 (vii) The name of the court that has jurisdiction over the
26 case.

27 (c) ~~Within 7~~ **Not later than 3** days after receiving notice
28 under subdivision (b) that the vehicle has been taken into custody,
29 the secretary of state shall do both of the following:

1 (i) Send to the last titled owner and secured party, as shown
2 by the records of the secretary of state as described in section
3 221 or 237, by first-class mail or personal service, notice that
4 the vehicle is considered abandoned. The form for the notice ~~shall~~
5 **must** be furnished by the secretary of state ~~. Each notice form~~
6 ~~shall~~ **and must** contain **all of** the following information:

7 (A) The year, make, and vehicle identification number of the
8 vehicle if available.

9 (B) The address or approximate location from which the vehicle
10 was taken into custody.

11 (C) The date on which the vehicle was taken into custody.

12 (D) The name and address of the police agency that had the
13 vehicle taken into custody.

14 (E) The name and business address of the custodian of the
15 vehicle.

16 (F) The procedure to redeem the vehicle.

17 (G) The procedure to contest the fact that the vehicle is
18 considered abandoned or the reasonableness of the towing fees and
19 daily storage fees.

20 (H) A form petition that the owner may file in person or by
21 mail with the specified court that requests a hearing on the police
22 agency's action.

23 (I) A warning that the failure to redeem the vehicle or to
24 request a hearing within 20 days after the date of the notice may
25 result in the sale of the vehicle and the termination of all rights
26 of the owner and the secured party to the vehicle or the proceeds
27 of the sale.

28 (ii) Enter the information described in subparagraph (i) on a
29 website maintained by the department for public use ~~in locating to~~

1 **locate** vehicles that are removed under this section as abandoned.
2 The department shall maintain the data on the website for 1 year or
3 until the vehicle is disposed of under this act, whichever occurs
4 first.

5 (6) The owner may contest the fact that the vehicle is
6 considered abandoned or the reasonableness of the towing fees and
7 daily storage fees by requesting a hearing and posting a bond equal
8 to \$40.00 plus the amount of the accrued towing and storage fees. A
9 request for a hearing ~~shall be~~**is** made by filing a petition with
10 the court specified in the notice described in subsection (5) (c)
11 ~~within~~**not later than** 20 days after the date of the notice. Subject
12 to subsection (8), if the owner requests a hearing, the matter
13 ~~shall be~~**is** resolved after a hearing conducted under sections 252e
14 and 252f. An owner who requests a hearing may obtain release of the
15 vehicle by posting a towing and storage bond in an amount equal to
16 the \$40.00 plus the accrued towing and storage fees with the court.
17 The owner of a vehicle who requests a hearing may obtain release of
18 the vehicle by paying a fee of \$40.00 to the court and the accrued
19 towing and storage fees instead of posting the towing and storage
20 bond.

21 (7) Subject to subsection (9), if the owner does not request a
22 hearing under subsection (6), ~~he or she~~**the owner** may obtain the
23 release of the vehicle by paying a fee of \$40.00 and the accrued
24 towing and storage fees to the custodian of the vehicle. The
25 custodian of the vehicle shall forward \$25.00 of the fee to the
26 secretary of state ~~within~~**not later than** 30 days after receipt in a
27 manner prescribed by the secretary of state, who shall deposit the
28 fee into the abandoned vehicle fund created in section 252h.

29 (8) The secured party may contest the reasonableness of the

1 towing fees and daily storage fees and request a hearing in the
2 same manner and subject to the same requirements as the owner of
3 the vehicle under subsection (6). If both the owner and the secured
4 party request a hearing to contest the reasonableness of the towing
5 fees and daily storage fees ~~within~~ **not later than** 20 days after the
6 date of the notice, the court shall dismiss the secured party's
7 petition and proceed with the owner's petition as provided in
8 subsection (6), unless the owner is in default on a contract or
9 agreement with the secured party regarding that vehicle. If the
10 owner is in default on a contract or agreement with the secured
11 party regarding that vehicle, the court shall dismiss the owner's
12 petition and proceed with the secured party's petition in the same
13 manner as provided in subsection (6). If the secured party redeems
14 the vehicle, the owner may only seek damages related to the
15 reasonableness of the towing fees and daily storage fees from the
16 secured party. If the court finds, after a hearing on the
17 reasonableness of the towing fees and daily storage fees, that the
18 owner's or the secured party's challenge was frivolous, the court
19 may award reasonable attorney fees to the custodian of the vehicle.

20 (9) If the owner does not redeem the vehicle or request a
21 hearing within 10 days after the date of the notice described in
22 subsection (5) (c), the secured party may obtain the release of the
23 vehicle by paying a \$40.00 fee plus the accrued charges to the
24 custodian of the vehicle. The custodian of the vehicle shall
25 forward \$25.00 of the fee to the secretary of state, who shall
26 deposit the fee into the abandoned vehicle fund created in section
27 252h.

28 (10) If a vehicle has remained on private property without the
29 consent of the property owner, the owner of the private property

1 may have the vehicle taken into custody as an abandoned vehicle ~~by~~
 2 in accordance with 1 of the following, as applicable:

3 (a) If the vehicle is removed from a private tow-away zone,
 4 section 252k.

5 (b) If the vehicle is located on real property that is
 6 appurtenant to and obviously part of a single- or dual-family
 7 residence, by contacting a local towing agency. ~~A local towing~~
 8 ~~agency is considered~~ As used in this subdivision, "local towing
 9 agency" means a towing agency whose storage lot is located ~~within~~
 10 not more than 15 miles from the border of the local unit of
 11 government having jurisdiction over the abandoned vehicle.

12 (11) Before a towing agency may remove a vehicle from private
 13 property, the towing agency shall do all of the following:

14 (a) Make a reasonable effort to take as many photographs as
 15 necessary to show that the vehicle is parked on private property in
 16 violation of section 252k or 252l.

17 (b) Record the time and date when a photograph under
 18 subdivision (a) was taken.

19 (c) Maintain the photograph and record under subdivisions (a)
 20 and (b) in electronic or printed form, for the earlier of the
 21 following dates:

22 (i) Not less than 30 days after the date on which the vehicle
 23 is recovered by the owner or lienholder.

24 (ii) Not less than 2 years after the date on which the vehicle
 25 was towed.

26 (12) ~~(11)~~ Before removing the vehicle from private property,
 27 the towing agency shall provide notice by telephone, or otherwise,
 28 to a police agency having jurisdiction over the vehicle that the
 29 vehicle is being removed. ~~Within~~ **Not later than** 24 hours after

1 receipt of the notice from the towing agency, the police agency
2 shall determine if the vehicle has been reported stolen and enter
3 the vehicle into the law enforcement information network as an
4 abandoned vehicle. Verification by the police agency of compliance
5 with this section is not necessary and is not a predicate to the
6 entrance of the vehicle into the law enforcement information
7 network.

8 **(13)** ~~(12)~~ **Within Not later than** 24 hours after ~~taking the~~
9 **notice of the removal of an** abandoned vehicle, ~~into custody,~~ the
10 police agency shall notify the secretary of state through the law
11 enforcement information network that the vehicle has been taken
12 into custody as abandoned. Each notification ~~shall~~ **must** contain the
13 following information:

14 (a) The year, make, and vehicle identification number of the
15 vehicle if available.

16 (b) The address or approximate location from which the vehicle
17 was taken into custody.

18 (c) The date on which the vehicle was taken into custody.

19 (d) The date the vehicle is being entered into the law
20 enforcement information network and whether the information is
21 being entered ~~within~~ **not later than** 24 hours after the vehicle was
22 taken into custody.

23 (e) The name and address of the police agency that had the
24 vehicle taken into custody.

25 (f) The name and business address of the custodian of the
26 vehicle.

27 (g) The name of the court that has jurisdiction over the case.

28 **(14)** ~~(13)~~ ~~Within 7~~ **Not later than 3 business** days after being
29 notified under subsection ~~(12)~~, **(13)**, the secretary of state shall

1 do both of the following:

2 (a) Send to the owner and secured party, as shown by the
3 records of the secretary of state, by first-class mail or personal
4 service, notice that the vehicle is considered abandoned. The form
5 for the notice ~~shall~~**must** be furnished by the secretary of state.
6 Each notice form ~~shall~~**must** contain the following information:

7 (i) The year, make, and vehicle identification number of the
8 vehicle if available.

9 (ii) The location from which the vehicle was taken into
10 custody.

11 (iii) The date on which the vehicle was taken into custody.

12 (iv) The name of the towing agency that had the vehicle taken
13 into custody.

14 (v) The business address of the custodian of the vehicle.

15 (vi) The procedure to redeem the vehicle.

16 (vii) The procedure to contest the fact that the vehicle is
17 considered abandoned or the reasonableness of the towing fees and
18 daily storage fees.

19 (viii) A form petition that the owner may file in person or by
20 mail with the specified court that requests a hearing on the
21 custodian's action.

22 (ix) A warning that the failure to redeem the vehicle or to
23 request a hearing within 20 days after the date of the notice may
24 result in the sale of the vehicle and the termination of all rights
25 of the owner and the secured party to the vehicle or the proceeds
26 of the sale.

27 (b) Enter the information described in subdivision (a) on a
28 website maintained by the department for public use in locating
29 vehicles that are removed under this section as abandoned.

1 **(15)** ~~(14)~~—The owner may contest the fact that the vehicle is
2 abandoned or, unless the towing fees and daily storage fees are
3 established by contract with the local governmental unit or local
4 law enforcement agency and comply with section 252i, the
5 reasonableness of the towing fees and daily storage fees by
6 requesting a hearing. A request for a hearing ~~shall be~~ **is** made by
7 filing a petition with the court specified in the notice ~~within not~~
8 **later than** 20 days after the date of the notice. Subject to
9 subsection ~~(16),~~ **(17)**, if the owner requests a hearing, the matter
10 ~~shall be~~ **is** resolved after a hearing conducted under section 252f.
11 An owner who requests a hearing may obtain release of the vehicle
12 by posting with the court a towing and storage bond in an amount
13 equal to \$40.00 plus the accrued towing and storage fees. The owner
14 of a vehicle who requests a hearing may obtain release of the
15 vehicle by paying a fee of \$40.00 to the court plus the towing and
16 storage fees instead of posting the towing and storage bond. An
17 owner requesting a hearing but not taking possession of the vehicle
18 shall post with the court a towing and storage bond in an amount
19 equal to \$40.00 plus the accrued towing and storage fees.

20 **(16)** ~~(15)~~—Subject to subsection ~~(17),~~ **(18)**, if the owner does
21 not request a hearing, ~~he or she~~ **the owner** may obtain the release
22 of the vehicle by paying a fee of \$40.00 plus the accrued charges
23 to the custodian of the vehicle. The custodian shall forward \$25.00
24 of the fee collected under this subsection to the secretary of
25 state ~~within not later than~~ 30 days after receipt in a manner
26 prescribed by the secretary of state, who shall deposit the fee
27 into the abandoned vehicle fund created in section 252h. **If the**
28 **release is obtained during business hours for a vehicle that was**
29 **towed or removed under this section, the vehicle must be released**

1 to the owner not later than 30 minutes after the release is
2 obtained. The vehicle's owner has the right to inspect the vehicle
3 before accepting the vehicle's return. A vehicle owner must not be
4 required to provide a waiver that would release the towing agency
5 from liability for damages incurred during the towing and storage
6 as a condition of the release of the vehicle. A detailed, signed
7 receipt with the legal name of the towing agency must be given to
8 the person that pays the towing or storage charges at the time of
9 payment. This subsection does not apply to authorized emergency
10 vehicles or property owned by a governmental entity. A towing
11 agency shall accept payment for accrued towing or storage charges
12 by any debit card, major credit card, certified check, or cash.

13 (17) ~~(16)~~—The secured party may contest the reasonableness of
14 the towing fees and daily storage fees and request a hearing in the
15 same manner and subject to the same requirements as the owner under
16 subsection ~~(14)~~.—(15). If both the owner and the secured party
17 request a hearing to contest the reasonableness of the towing fees
18 and daily storage fees ~~within~~**not later than** 20 days after the date
19 of the notice, the court shall dismiss the secured party's petition
20 and proceed with the owner's petition as provided in subsection
21 ~~(14)~~,—(15), unless the owner is in default on a contract or
22 agreement with the secured party regarding that vehicle. If the
23 owner is in default on a contract or agreement with the secured
24 party regarding that vehicle, the court shall dismiss the owner's
25 petition and proceed with the secured party's petition in the same
26 manner as provided in subsection ~~(14)~~.—(15). If the secured party
27 redeems the vehicle, the owner may only seek damages related to the
28 reasonableness of the towing fees and daily storage fees from the
29 secured party. If the court finds, after a hearing on the

1 reasonableness of the towing fees and daily storage fees, that the
2 owner's or the secured party's challenge was frivolous, the court
3 shall award to the custodian costs, including reasonable attorney
4 fees, against the owner or secured party.

5 **(18)** ~~(17)~~—If the owner does not redeem the vehicle or request
6 a hearing within 10 days after the date of the notice, the secured
7 party may obtain the release of the vehicle by paying a fee of
8 \$40.00 and the accrued towing and storage fees to the custodian of
9 the vehicle. The custodian shall forward \$25.00 of the fee
10 collected under this subsection to the secretary of state ~~within~~
11 **not later than** 30 days after receipt in a manner prescribed by the
12 secretary of state, who shall deposit the fee into the abandoned
13 vehicle fund created in section 252h.

14 **(19)** ~~(18)~~—Not less than 20 days after the disposition of the
15 hearing described in subsection (6) or, if a hearing is not
16 requested, not less than 20 days after the date of the notice, the
17 police agency if the abandoned vehicle is found on public property,
18 or the custodian of the vehicle if the vehicle is found on private
19 property, shall offer the vehicle for sale at a public sale under
20 section 252g.

21 **(20)** ~~(19)~~—The custodian of a vehicle described in this section
22 shall allow the owner of the vehicle or a secured party to inspect
23 the vehicle during regular business hours at the location where the
24 vehicle is being held. ~~The custodian of the vehicle may charge the~~
25 ~~secured party a fee of not more than \$75.00 to inspect the vehicle~~
26 ~~or, if the actual cost necessary to allow the inspection is greater~~
27 ~~than \$75.00, the actual cost necessary to allow the inspection. If~~
28 ~~the custodian of the vehicle charges the secured party more than~~
29 ~~\$75.00 as provided in this subsection, the custodian shall provide~~

1 ~~the secured party with an itemized invoice for the actual costs~~
2 ~~assessed.~~ The custodian of the vehicle shall allow the owner of the
3 vehicle to inspect the vehicle and retrieve personal property from
4 the vehicle without paying a fee. ~~for the first visit. After the~~
5 ~~first visit by the owner to inspect the vehicle or retrieve~~
6 ~~personal property from the vehicle as provided in this subsection,~~
7 ~~the custodian may charge the owner of the vehicle a fee of not more~~
8 ~~than \$25.00 for each subsequent visit.~~

9 **(21)** ~~(20)~~ If the ownership of a vehicle that is considered
10 abandoned under this section cannot be determined either because of
11 the condition of the vehicle identification numbers or because a
12 check with the records of the secretary of state as described in
13 section 221 or 237 does not reveal ownership, the police agency may
14 sell the vehicle at public sale as provided in section 252g not
15 less than 30 days after public notice of the sale has been
16 published.

17 **(22)** ~~(21)~~ The secretary of state shall release a vehicle for
18 disposition under section 252b or 252g ~~within~~ **not later than** 45
19 days after the vehicle is entered into the law enforcement
20 information network as an abandoned vehicle.

21 **(23)** **If a towing agency tows or removes a vehicle and intends**
22 **to require the owner, operator, or person in control of the vehicle**
23 **to pay a towing and storage fee to redeem the vehicle, the towing**
24 **agency shall file and keep on record with the department of state**
25 **police and any county police and local police agency in the towing**
26 **agency's applicable service area a copy of the current fees charged**
27 **for towing and storage services. The towing agency shall post at**
28 **each vehicle storage site another copy of the towing and storage**
29 **fee schedule and any written contracts with a property owner,**

1 lessor, or person in control of property that authorize the towing
 2 agency to remove a vehicle under this section. The towing and
 3 storage fees must not exceed the charges established under section
 4 252i.

5 Sec. 252d. (1) A police agency or a governmental agency
 6 designated by the police agency may provide for the immediate
 7 removal of a vehicle from public or private property to a place of
 8 safekeeping at the expense of the last titled owner of the vehicle
 9 in any of the following circumstances:

10 (a) If the vehicle is in such a condition that the continued
 11 operation of the vehicle upon the highway would constitute an
 12 immediate hazard to the public.

13 (b) If the vehicle is parked or standing upon the highway in
 14 such a manner as to create an immediate public hazard or an
 15 obstruction of traffic.

16 (c) If a vehicle is parked in a posted ~~tow-away~~ **tow-away** zone
 17 **on public property or in a private tow-away zone that meets the**
 18 **requirements of section 252k.**

19 (d) If there is reasonable cause to believe that the vehicle
 20 or any part of the vehicle is stolen.

21 (e) If the vehicle must be seized to preserve evidence of a
 22 crime, or if there is reasonable cause to believe that the vehicle
 23 was used in the commission of a crime.

24 (f) If removal is necessary in the interest of public safety
 25 because of fire, flood, storm, snow, natural or man-made disaster,
 26 or other emergency.

27 (g) ~~If~~ **On the express or written instructions of the owner or**
 28 **person in charge of private property, if the vehicle is hampering**
 29 **hampers** the use of **the** private property by the owner or person in

1 charge of that **private** property or is parked in a manner that
2 impedes the movement of another vehicle.

3 (h) If the vehicle is stopped, standing, or parked in a space
4 designated as parking for persons with disabilities and is not
5 permitted by law to be stopped, standing, or parked in a space
6 designated as parking for persons with disabilities.

7 (i) If the vehicle is located in a clearly identified access
8 aisle or access lane immediately adjacent to a space designated as
9 parking for persons with disabilities.

10 (j) If the vehicle is interfering with the use of a ramp or a
11 curb-cut by persons with disabilities.

12 (k) ~~If~~ **Subject to chapter IIA of this act, if** the vehicle has
13 been involved in a traffic crash and cannot be safely operated from
14 the scene of the crash.

15 (2) ~~Unless the vehicle is ordered to be towed by a police~~
16 ~~agency or a governmental agency designated by a police agency~~
17 **Except for a vehicle removed** under subsection (1) (a), (d), (e), or
18 (k), if the owner or other person that is legally entitled to
19 possess a vehicle to be towed or removed arrives at the location
20 where the vehicle is located before the actual towing or removal of
21 the vehicle, the vehicle must be disconnected from the tow truck,
22 and the owner or other person that is legally entitled to possess
23 the vehicle may take possession of the vehicle and remove it
24 without interference **as follows:**

25 (a) **If the vehicle is fully connected and ready to be towed or**
26 **removed**, upon the payment of the reasonable service fee. ~~for~~
27 ~~which~~ **The fee may not exceed more than 1/2 of the maximum towing**
28 **fee under section 252i, and** a receipt must be provided.

29 (b) **If the vehicle is not fully connected and ready to be**

1 **towed or removed, the tow truck operator shall release the vehicle**
2 **without charging a fee.**

3 (3) A police agency that authorizes the removal of a vehicle
4 under subsection (1) shall do all of the following:

5 (a) Check to determine if the vehicle has been reported stolen
6 before authorizing the removal of the vehicle.

7 (b) Enter the vehicle into the law enforcement information
8 network as an impounded vehicle ~~within~~**not later than** 24 hours
9 after ordering the impound of the vehicle. Except as provided in
10 subsection (5), if the vehicle ~~has~~**is** not ~~been~~ redeemed by the
11 owner within 7 days after the impound, the towing agency shall
12 notify the police agency of that fact and the police agency shall
13 deem the vehicle abandoned. The police agency shall enter the
14 vehicle into the law enforcement information network as abandoned
15 ~~within~~**not later than** 24 hours ~~of~~**after** notification by the towing
16 agency, and follow the procedures set forth in section 252a.

17 (4) If an impounded vehicle is released before the police
18 agency enters the vehicle into the law enforcement information
19 network as abandoned, the towing agency or custodian shall notify
20 the police agency that authorized the removal ~~within~~**not later than**
21 24 hours ~~of~~**after** releasing the impounded vehicle.

22 (5) A vehicle impounded under subsection (1)(d), (e), or (k)
23 must first be released by the police agency that authorized the
24 removal prior to the towing agency or custodian releasing the
25 vehicle to the vehicle owner.

26 (6) Not less than 20 days but not more than 30 days after a
27 vehicle has been released under subsection (5), the towing agency
28 or custodian shall notify the police agency to enter the vehicle as
29 abandoned and the police agency shall enter the vehicle into the

1 law enforcement information network as abandoned ~~within~~**not later**
2 **than** 24 hours ~~of~~**after** receiving notice and follow the procedures
3 set forth in section 252a if the impounded vehicle has not been
4 redeemed.

5 **(7) The towing agency that tows a vehicle may enter a vehicle**
6 **for the purpose of removal. The towing agency that enters a vehicle**
7 **is liable for any damage to the vehicle or property in the vehicle**
8 **if the entry was not done in accordance with the standards of**
9 **reasonable care.**

10 Sec. 252e. (1) The following courts have jurisdiction to
11 determine if a police agency, towing agency or custodian, or
12 private property owner has acted properly in reporting or
13 processing a vehicle under section 252a, 252b(6) to (11), or 252d:

14 (a) ~~The district~~**District** court.

15 (b) ~~A municipal~~**Municipal** court.

16 (c) **If the alleged conduct includes a violation of the**
17 **Michigan consumer protection act, 1976 PA 331, MCL 445.901 to**
18 **445.922, circuit court.**

19 (2) The court specified in the notice prescribed in section
20 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) is the
21 court that has territorial jurisdiction at the location from where
22 the vehicle was removed, impounded, or considered abandoned. Venue
23 in the district court is governed by section 8312 of the revised
24 judicature act of 1961, 1961 PA 236, MCL 600.8312. **Venue in the**
25 **circuit court is determined under section 1621 of the revised**
26 **judicature act of 1961, 1961 PA 236, MCL 600.1621.**

27 (3) If the owner fails to pay the accrued towing and storage
28 fees, the towing and storage bond posted with the court to secure
29 release of the vehicle under section 252a, 252b, or 252d must be

1 used to pay the towing and storage fees.

2 (4) The remedies under sections 252 to 254 are the exclusive
3 remedies for the disposition of abandoned vehicles.

4 Sec. 252f. (1) Upon the filing of a petition **in district court**
5 **or municipal court as** prescribed in section 252a, 252b, or 252d,
6 signed by the owner of the vehicle that has been taken into
7 custody, or, upon the filing of a petition **in district court or**
8 **municipal court as** prescribed in section 252a signed by the secured
9 party regarding a vehicle that has been taken into custody, the
10 court shall do both of the following:

11 (a) Schedule a hearing within 30 days for the purpose of
12 determining whether the police agency, towing agency or custodian,
13 or private property owner acted properly.

14 (b) Notify the owner or the secured party, as applicable,
15 towing agency or custodian, and police agency or if the vehicle was
16 removed from private property, notify the private property owner
17 also of the time and place of the hearing.

18 (2) At the hearing ~~specified in~~ **scheduled under** subsection
19 (1), the police agency, towing agency or custodian, or, if the
20 vehicle was removed from private property, the private property
21 owner ~~shall have~~ **has** the burden of showing by a preponderance of
22 the evidence that it has complied with the requirements of this act
23 in reporting or processing the abandoned vehicle or vehicle removed
24 under section 252d.

25 (3) After the hearing, the court shall make a decision that
26 includes 1 or more of the following:

27 (a) A finding that the police agency complied with the
28 procedures established for the processing of an abandoned vehicle
29 or a vehicle removed under section 252a, 252b, or 252d, and an

1 order providing a period of 10 days after the decision for the
 2 owner or the secured party, if applicable, to redeem the vehicle.
 3 If the owner or the secured party does not redeem the vehicle
 4 within 10 days, the police agency shall dispose of the vehicle
 5 under section 252b or 252g. The court shall forward \$25.00 of the
 6 fee collected under section 252b or 252g to the secretary of state
 7 ~~within~~ **not later than** 30 days after the court's decision in a
 8 manner prescribed by the secretary of state. The towing and storage
 9 fees and \$15.00 of the fee collected under section 252b or 252g
 10 ~~shall~~ **must** be forwarded to the towing agency.

11 (b) A finding that the police agency did not enter the vehicle
 12 as abandoned into the law enforcement information network within 24
 13 hours after the vehicle was taken into custody as required by
 14 section 252a(5) (b) or ~~(12)~~. **(13)**. After making the finding, the
 15 court shall issue an order directing that the vehicle immediately
 16 be released to the owner or the secured party, if applicable, and
 17 directing 1 of the following:

18 (i) That the police agency reimburse the owner or the secured
 19 party, if applicable, for the storage charges accrued before the
 20 police agency entered the vehicle into the law enforcement
 21 information network as required by section 252a(5) (b) or ~~(12)~~. **(13)**
 22 if the owner or the secured party paid the accrued storage charges.

23 (ii) If the owner or the secured party has not paid the accrued
 24 storage charges but has posted a fee or bond with the court, that
 25 the police agency shall pay directly to the owner or secured party
 26 the amount of the storage charges accrued before the police agency
 27 entered the vehicle into the law enforcement information network as
 28 required by section 252a(5) (b) or ~~252a(12)~~. **(13)** plus interest no
 29 later than 10 days after the date of the order. The court shall

1 release the bond posted by the owner or secured party in full to
 2 the custodian after the court has received notice from the police
 3 agency that the police agency has issued the payment required by
 4 this subparagraph to the owner or secured party.

5 (c) A finding that the police agency improperly determined
 6 that the vehicle was abandoned. After making the finding, the court
 7 shall ~~issue an order directing that~~ **all of the following, as**
 8 **applicable:**

9 (i) **That the** vehicle be immediately released to the owner. ~~and~~
 10 ~~directing the~~

11 (ii) **That the** custodian ~~to~~ reimburse the owner for the accrued
 12 towing and storage charges, if the owner paid the accrued towing
 13 and storage charges. ~~The court shall order the~~

14 (iii) **That the** police agency ~~to~~ reimburse the custodian for
 15 accrued towing and storage charges paid to the owner under this
 16 subdivision.

17 (iv) If the owner has not paid the accrued towing and storage
 18 charges, ~~the court shall order that~~ the police agency ~~to~~ pay the
 19 accrued towing and storage charges. ~~The court shall also order the~~

20 (v) **That the** police agency ~~to~~ pay any other fees associated
 21 ~~with recovering the vehicle, or to~~ reimburse the owner for any
 22 other fees associated with recovering the vehicle paid by the
 23 owner. ~~The court shall also order any~~

24 (vi) **That any** fee or bond posted by the owner ~~to~~ be returned to
 25 the owner.

26 (vii) **That the** police agency reimburse the owner for actual
 27 damages as a result of the removal, transportation, and storage of
 28 the vehicle, attorney fees, and court costs to file the petition
 29 under this section.

1 (d) A finding that the towing fees and daily storage fees were
2 reasonable.

3 (e) A finding that the towing fees and daily storage fees were
4 unreasonable and ~~issue an order directing~~ the towing agency or
5 custodian of the vehicle to provide the last titled owner of the
6 vehicle or the secured party, if applicable, with an appropriate
7 reduction or refund.

8 (f) A finding that the owner of the real property complied
9 with ~~the provisions of~~ section 252k or 252l.

10 (g) A finding that the owner of the real property did not
11 comply with the provisions of section 252k or 252l, and ~~issue an~~
12 ~~order requiring~~ the owner of the real property to reimburse the
13 last titled owner of the vehicle or the secured party, if
14 applicable, for the accrued towing and storage charges, **any damages**
15 **resulting from the removal, transportation, and storage of the**
16 **vehicle, attorney fees, and court costs to file the petition under**
17 **this section.**

18 (h) A finding that the towing agency did not comply with the
19 procedures established for the proper removal and reporting of an
20 abandoned vehicle removed under section ~~252a(11)~~, **252a(12)**, 252b,
21 or 252d. After making the finding, the court shall ~~issue an order~~
22 ~~directing~~ that the vehicle immediately be released to the owner or
23 the secured party, if applicable, and ~~directing~~ 1 of the following:

24 (i) That the towing agency reimburse the owner or the secured
25 party, if applicable, for the storage charges accrued before the
26 police agency entered the vehicle into the law enforcement
27 information network as required by section 252a(5)(b) or ~~(12)~~,
28 **(13)**, if the owner or the secured party paid the accrued storage
29 charges, **for any damages resulting from the removal,**

1 **transportation, and storage of the vehicle, attorney fees, and**
 2 **court costs to file the petition under this section.**

3 (ii) If the owner or the secured party, if applicable, has not
 4 paid the accrued towing and storage charges but has posted a fee or
 5 bond with the court, that the bond and storage charges accrued
 6 before the police agency entered the vehicle into the law
 7 enforcement information network as required by section 252a(5)(b)
 8 or ~~(12)~~ **(13)** be returned to the owner or the secured party, and
 9 that the remainder of any fee posted with the court be paid to the
 10 custodian.

11 (i) A finding that the towing agency did comply with the
 12 procedures established for the proper removal and reporting of an
 13 abandoned vehicle removed under section ~~252a(11)~~, **252a(12)**, 252b,
 14 or 252d.

15 (4) A hearing **in district court** under this section ~~shall~~ **must**
 16 be conducted by a district court magistrate, if a district court
 17 magistrate has been appointed by the court. The appeal of a
 18 district court magistrate's decision under this section ~~shall~~ **must**
 19 be heard by a judge of the district court.

20 (5) **This section does not apply to actions under section**
 21 **252e(1)(c) except to the extent that the owner or secured party, if**
 22 **applicable, is entitled to the remedies in this section in addition**
 23 **to any remedies available for violations of the Michigan consumer**
 24 **protection act, 1976 PA 331, MCL 445.901 to 445.922, and any**
 25 **additional remedies that may be available to the owner or secured**
 26 **party under the laws of this state.**

27 Sec. 252g. (1) Subject to section ~~252a(18)~~, **252a(19)**, a public
 28 sale for a vehicle ~~and its contents~~ that has been determined to be
 29 abandoned under section 252a or removed under section 252d ~~shall~~

1 **and the vehicle's contents must** be conducted ~~in the following~~
 2 ~~manner:~~**as follows:**

3 (a) It ~~shall~~**must** be under the control of the police agency.
 4 However, a police agency may designate the custodian of the vehicle
 5 or a third party to conduct the auction.

6 (b) It ~~shall~~**must** be open to the public and consist of open
 7 auction bidding or bidding by sealed bids. If sealed bids are
 8 received, the person submitting the bid shall receive a receipt for
 9 the bid from the police agency or the agency's designee or, if the
 10 vehicle is being sold under section ~~252a(18)~~, **252a(19)**, the
 11 custodian of the vehicle.

12 (c) Except as otherwise provided in sections ~~252a(18)~~ **252a(19)**
 13 and ~~(19)~~ **(20)** and 252b(7), it shall be held not less than 5 days
 14 after public notice of the sale has been published.

15 (d) Except as otherwise provided in this subdivision, the
 16 public notice ~~shall~~**must** be published at least once in a newspaper
 17 having a general circulation within the county in which the vehicle
 18 was abandoned. The public notice ~~shall~~**must** give a description of
 19 the vehicle for sale and ~~shall~~ state the time, date, and location
 20 of the sale. The requirements of this subdivision may be satisfied
 21 by publishing a notice of the public auction once in a newspaper
 22 having a general circulation within the county in which the auction
 23 is to occur, if the notice states that the auction is an abandoned
 24 vehicle auction, lists the date, time, and location of the auction,
 25 and provides a website address where a complete description of each
 26 vehicle to be auctioned appears for not less than 5 consecutive
 27 days before the date of the auction. As used in this subdivision,
 28 "complete description" means a description of the vehicle's model
 29 year, manufacturer make, model name, and vehicle identification

1 number.

2 (2) The money received from the public sale of the vehicle
3 ~~shall~~**must** be applied in the following order of priority:

4 (a) Accrued towing and storage charges. However, if the money
5 received from the public sale does not satisfy the accrued towing
6 and storage charges, the towing company may collect the balance of
7 those unpaid fees from the last titled owner, subject to section
8 252i.

9 (b) Expenses incurred by the police agency or the custodian of
10 the vehicle.

11 (c) Payment of the \$40.00 abandoned vehicle fee described in
12 section 252f(3) (a) .

13 (d) Any extra money ~~shall~~**must** be sent to the department of
14 treasury's unclaimed property division to be disbursed as follows:

15 (i) To the secured party, if any, in the amount of the debt
16 outstanding on the vehicle.

17 (ii) Remainder to the owner. A reasonable attempt ~~shall~~**must** be
18 made to mail the remainder to the last titled owner. If delivery of
19 the remainder cannot be accomplished, the remainder ~~shall become~~
20 **becomes** the property of the unit of government governing the
21 location from which the vehicle was towed.

22 (3) If there are no bidders on the vehicle, the police agency
23 or the custodian of the vehicle may do 1 of the following:

24 (a) Turn the vehicle over to the towing firm or the custodian
25 of the vehicle to satisfy charges against the vehicle. However, if
26 the value of the vehicle does not satisfy the towing fees and
27 accrued daily storage fees, the custodian of the vehicle may
28 collect the balance of those unpaid fees from the last titled
29 owner, subject to section 252i.

1 (b) Obtain title to the vehicle for the police agency or the
 2 unit of government the police agency represents, by doing the
 3 following:

4 (i) Paying the towing and storage charges.

5 (ii) Applying for title to the vehicle.

6 (c) Hold another public sale under subsection (1).

7 (4) A person ~~who~~**that** acquires **the** ownership of a vehicle
 8 under subsection (1) or (3) that has been designated as a
 9 distressed vehicle shall apply for a salvage certificate of title
 10 ~~within~~**not later than** 15 days after obtaining the vehicle.

11 (5) Upon disposition of the vehicle, the police agency or
 12 towing agency or custodian shall provide the secretary of state and
 13 the police agency, if that police agency did not conduct the sale,
 14 with the vehicle's disposition and the name of the agency that
 15 disposed of it and the police agency shall cancel the entry in the
 16 law enforcement information network.

17 (6) Not less than 25 days after the date of notice required
 18 under section 252a, if the police agency does not provide a copy of
 19 the bill of sale by the police agency for the abandoned vehicle to
 20 the towing agency or custodian or police agency's designee, the
 21 towing agency or custodian or police agency designee may obtain an
 22 original of the bill of sale by submitting an application to the
 23 secretary of state in a form as determined by the secretary of
 24 state.

25 Sec. 252k. **(1) Except as provided in this section and section**
 26 **252l, an owner or lessor of private property may not establish a**
 27 **private tow-away zone.**

28 **(2)** Except as otherwise provided in section 252l, an owner or
 29 lessor of private real property shall post a notice that meets all

1 of the following requirements before authorizing the towing or
2 removal of a vehicle from the real property without the consent of
3 the owner or other person ~~who~~**that** is legally entitled to possess
4 the vehicle:

5 (a) The notice ~~shall~~**must** be prominently displayed at each
6 point of entry for vehicular access to the real property. If the
7 real property lacks curbs or access barriers, not less than 1
8 notice ~~shall~~**must** be posted for each 100 feet of road frontage.

9 (b) The notice, **that must be at least 18 inches by 24 inches**
10 **in total size**, clearly indicates in letters not less than 2 inches
11 high on a contrasting background that unauthorized vehicles will be
12 towed away at the owner's expense. **If the property is a residential**
13 **property, the owner of the private property may include on the**
14 **notice a statement that only a tenant or guest may park on the real**
15 **property, subject to the terms of the property owner. If the**
16 **property is a commercial property, the owner of the private**
17 **property may include on the notice a statement that only a customer**
18 **may park on the real property. In all cases, if it is not clear**
19 **which persons may park on the real property, the owner of the**
20 **private property shall include on the notice the address of the**
21 **property or the name of the business to which the notice applies.**

22 (c) The notice provides the name and telephone number of the
23 towing ~~service~~**agency** responsible for ~~towing or removing vehicles~~**a**
24 **vehicle towed or removed** from that property.

25 (d) The notice is permanently installed with the bottom of the
26 notice located not less than 4 feet from the ground and is
27 continuously maintained on the property for not less than 24 hours
28 before a vehicle is towed or removed.

29 (e) **If the parking restrictions are not enforceable at all**

1 times, the notice states the times that the parking restrictions
2 are enforced.

3 (f) The notice has a statement that the failure to recover a
4 towed vehicle may result in a determination that the vehicle is
5 abandoned.

6 (3) In order to comply with the notice requirements under
7 subsection (2), the owner of a private property may modify an
8 existing sign by affixing to the existing sign stickers or an
9 addendum in lieu of replacing the sign.

10 (4) A towing agency shall ensure that a vehicle towed under
11 this section is taken to a location where the vehicle may be
12 recovered and that complies with all of the following:

13 (a) Unless it is not practicable, is located not more than 25
14 linear miles from the location of the private tow-away zone.

15 (b) Is well-lit.

16 (c) Is on or a reasonable distance from a regularly scheduled
17 route of 1 or more modes of public transportation, if any public
18 transportation is available in the municipality in which the
19 private tow-away zone is located.

20 (5) If a vehicle is parked on private property that is a
21 private tow-away zone without the consent of the owner of the
22 private property or in violation of any posted parking condition or
23 regulation, the owner of the private property may have the vehicle
24 removed by a towing agency. The vehicle owner and the operator of
25 the vehicle parked in violation of this subsection are considered
26 to have consented to the removal and storage of the vehicle, to the
27 payment of the applicable fees established under section 252i, and
28 to the determination that a vehicle is abandoned pursuant to
29 section 252a. The owner or secured party of a vehicle that has been

1 removed under this section may recover the vehicle in accordance
2 with section 252a.

3 (6) If the owner or other person that is legally entitled to
4 possess a vehicle to be towed or removed under this section arrives
5 at the location where the vehicle is located before the actual
6 towing or removal of the vehicle, the vehicle must be disconnected
7 from the tow truck, and the owner or other person that is legally
8 entitled to possess the vehicle may take possession of the vehicle
9 and remove it without interference as follows:

10 (a) If the vehicle is fully connected and ready to be towed or
11 removed, upon the payment of the reasonable service fee. The fee
12 may not exceed more than 1/2 of the maximum towing fee under
13 section 252i, and a receipt must be provided.

14 (b) If the vehicle is not fully connected and ready to be
15 towed or removed, the tow truck operator shall release the vehicle
16 without charging a fee.

17 (7) If a municipality requires towing agency vehicles and
18 operators to be licensed, no owner of a private property located in
19 the municipality shall cause the removal and storage of any vehicle
20 under this section by an unlicensed tow truck or unlicensed tow
21 truck operator.

22 (8) A vehicle must not be removed from private property except
23 on the written instruction of the owner or a person in control of
24 the private property.

25 (9) A towing agency shall not remove a vehicle from a private
26 tow-away zone except pursuant to a written contract entered into
27 with the owner of the private property on which the private tow-
28 away zone is located.

29 (10) The person or towing agency towing a vehicle may enter a

1 vehicle for the purpose of removal. The person or towing agency
2 that enters a vehicle is liable for any damage to the vehicle or
3 property in the vehicle if the entry was not done in accordance
4 with the standards of reasonable care.

5 Sec. 252l. Section ~~252k~~ 252k(1), (2), (5), and (9) does not
6 apply to any of the following:

7 (a) Real property that is appurtenant to and obviously part of
8 a single- or dual-family residence.

9 (b) ~~An instance when~~ **When** notice is personally given to the
10 owner or other legally entitled person in control of a vehicle that
11 the area where the vehicle is parked is reserved or otherwise
12 unavailable to unauthorized vehicles and that the vehicle is
13 subject to towing or removal from the private real property without
14 the consent of the owner or other legally entitled person in
15 control of the vehicle.

16 (c) A vehicle removed from private property under section
17 252d.

18 **Sec. 252n. (1) A vehicle storage facility shall remain open**
19 **during both of the following periods of time to allow a vehicle**
20 **owner or secured party to retrieve a vehicle towed under this**
21 **chapter that is in the possession of the storage facility:**

22 (a) If a towing agency is towing a vehicle and the vehicle
23 will be held by the storage facility.

24 (b) Between 9 a.m. and 12 noon on the day after any day during
25 which the storage facility accepted a towed vehicle for storage.

26 (2) A storage facility that accepts a towed vehicle for
27 storage under this chapter shall ensure that a notice is
28 conspicuously posted at the entrance to the storage facility that
29 states the telephone number that the owner or secured party of a

1 vehicle may use when the storage facility is closed to contact the
2 owner or representative of the storage facility to determine
3 whether the person may retrieve a vehicle or personal items from a
4 vehicle. The storage facility also shall provide that telephone
5 number to the local police agency. The storage facility shall
6 ensure that a process is in place to answer the calls at all times
7 day or night.

8 (3) If a storage facility receives a call from the owner or
9 secured party of a vehicle to recover a vehicle when the storage
10 facility is closed, the storage facility shall ensure, not later
11 than 3 hours of receiving the phone call, that a representative of
12 the storage facility is available to release the vehicle and accept
13 payment of all fees including an after-hours vehicle retrieval fee
14 established under section 252i.

15 (4) If a storage facility receives a call to recover personal
16 items from a vehicle when the storage facility is closed, the
17 storage facility shall notify the individual that an after-hours
18 retrieval fee applies and shall state the amount of the fee as
19 established under section 252i. The storage facility may not charge
20 an after-hours retrieval fee unless notice of the fee is provided.
21 If the individual recovers personal items after receiving the
22 notice, the storage facility may charge the after-hours retrieval
23 fee.

24 (5) This section also applies to a towing agency that
25 maintains a vehicle storage facility.

26 Sec. 252o. (1) A towing agency that tows vehicles from private
27 property or provides nonconsensual towing services under this
28 chapter shall not do either of the following:

29 (a) Give a person a benefit or advantage, including, but not

1 limited to, a pecuniary benefit, for information provided about a
2 vehicle parked on private property for an unauthorized purpose or
3 at a time when parking is not permitted.

4 (b) Except upon a specific request to tow a vehicle by the
5 owner or person in control of private property under this chapter,
6 monitor, patrol, or surveil private property to identify a vehicle
7 parked for an unauthorized purpose and tow a motor vehicle parked
8 for an unauthorized purpose from such private property.

9 (2) In addition to any other penalty or remedy under this act
10 or the Michigan consumer protection act, 1976 PA 331, MCL 445.901
11 to 445.922, a towing agency that violates subsection (1) or section
12 252a(12) or (16), 252d(2), 252i, or 252k(6), (8), or (9) is
13 responsible for a civil infraction or guilty of a misdemeanor
14 punishable as follows:

15 (a) For a first violation, the individual is responsible for a
16 civil infraction.

17 (b) For a violation that occurs after 1 or more prior
18 judgments, the individual is guilty of a misdemeanor punishable by
19 imprisonment for not more than 90 days, a fine of not more than
20 \$500.00, or both.

21 CHAPTER IIA DAMAGED OR DISABLED VEHICLE TOWING AND STORAGE

22 Sec. 270. (1) A towing agency must annually register and
23 maintain a valid and current towing agency license issued by the
24 department of licensing and regulatory affairs.

25 (2) The department of licensing and regulatory affairs shall
26 promulgate rules under the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328, necessary to issue, reject,
28 suspend, and revoke a towing agency's license and to implement this
29 chapter.

1 (3) The department of licensing and regulatory affairs may, at
2 any time during the term of the license, inquire into the
3 licensee's management, conduct of the business, or otherwise to
4 determine that the licensee is in compliance with this chapter and
5 the rules promulgated under subsection (2).

6 Sec. 271. (1) A towing agency shall not commence the towing of
7 a damaged or disabled vehicle without signed authorization from the
8 vehicle owner or operator after the disclosures set forth in this
9 section.

10 (2) Before towing a damaged or disabled vehicle, a towing
11 agency shall give each vehicle owner or operator a written
12 disclosure that provides all of the following:

13 (a) The business name of the towing agency, as registered with
14 the department of licensing and regulatory affairs, and the
15 business's address and telephone number.

16 (b) The address of the vehicle's storage location after the
17 vehicle is towed.

18 (c) The cost of all relocation, storage, and other fees,
19 without limitation, that the towing agency will charge for any
20 provided services.

21 (d) A disclosure of the vehicle owner's or operator's rights
22 must be approved in advance by the department of licensing and
23 regulatory affairs and read substantially as follows:

24 "As a customer, you have the following rights under Michigan
25 law:

26 1. This disclosure must be provided to you in writing before
27 your vehicle is towed. It must include the business name and
28 address, the address where the vehicle will be towed, and a
29 reliable telephone number for the vehicle's location.

1 2. You must be told of the price of all services before
2 towing.

3 3. Upon request, you must be provided with a final invoice
4 itemizing all charges and any damage to the vehicle upon the
5 vehicle's return to you.

6 4. Upon request, your vehicle must be returned during business
7 hours after payment of all reasonable fees. If you request your
8 vehicle be returned after normal business hours, you may be charged
9 an after-hours retrieval fee.

10 5. You have the right to pay all charges in cash or by debit
11 card, major credit card, or certified check.

12 6. Upon request, you must be provided with proof of the towing
13 agency's insurance that insures against all of the risk to
14 transport and store your vehicle.".

15 (3) The towing agency shall provide a copy of the disclosure
16 required under subsection (2) to the vehicle owner or operator and
17 shall maintain a copy of the disclosure as required under section
18 274.

19 (4) If the vehicle owner or operator is incapacitated,
20 incompetent, or otherwise unable to knowingly accept receipt of the
21 disclosure under subsection (2), the towing agency shall provide
22 the disclosure to the local police agency and, if known, the
23 vehicle owner's or operator's automobile insurance company.

24 (5) If the towing agency fails to comply with the requirements
25 of this section, the towing agency shall be prohibited from seeking
26 any compensation whatsoever from the vehicle owner or operator,
27 including, but not limited to, any towing, storage, or other
28 incidental fees. Furthermore, if the towing agency or operator
29 fails to comply with the requirements of this section, any

1 contracts entered into by the towing agency and the vehicle owner
2 or operator shall be deemed null, void, and unenforceable.

3 Sec. 272. (1) Upon demand of the vehicle owner or operator, a
4 towing agency shall provide a legible, itemized, final invoice that
5 fairly and accurately documents the charges owed by the vehicle
6 owner or operator for relocation of damaged or disabled vehicles.
7 The written final invoice must accurately record all of the
8 following:

9 (a) The formal business name of the towing agency, as
10 registered with the department of licensing and regulatory affairs.

11 (b) The business address and telephone number.

12 (c) The date of the invoice.

13 (d) The odometer reading, if it can be obtained, of the
14 vehicle at the time the final invoice was prepared.

15 (e) The name of the vehicle owner or operator.

16 (f) A description of the motor vehicle, including the motor
17 vehicle identification number.

18 (g) A description of any modifications made to the vehicle by
19 the towing agency.

20 (h) A description of any observable damage to the vehicle on
21 the vehicle's initial receipt by the towing agency.

22 (i) A description of any observable damage to the vehicle at
23 the time of the vehicle's release.

24 (j) An itemized list of any charges and the total charge
25 presented to the vehicle's owner or operator.

26 (2) The towing agency shall retain a legible copy of the
27 invoice under subsection (1) as required under section 274.

28 Sec. 273. (1) A towing agency that relocates or stores damaged
29 or disabled vehicles shall post, in a prominent place on the

1 business premises and readily visible to customers, 1 or more signs
2 of the disclosures required under section 271(1).

3 (2) The first line of each sign under subsection (1) must be
4 in letters not less than 1-1/2 inches in height, and the remaining
5 lines of the sign must be in letters not less than 1/2 inch in
6 height.

7 Sec. 274. (1) A towing agency shall maintain copies of both of
8 the following:

9 (a) The disclosure provided to a vehicle's owner or operator
10 under section 271.

11 (b) The invoice provided to a vehicle's owner or operator as
12 required under section 272.

13 (2) The records under subsection (1) must be maintained for
14 not less than 5 years from the date of the release of the vehicle.
15 The records may be maintained in an electronic format or stored at
16 another location.

17 (3) The records stored under this section must be available
18 for inspection by the department of licensing and regulatory
19 affairs not later than 3 business days after a request.

20 Sec. 275. A vehicle used in a commercial vehicle safety
21 relocation service must have painted or firmly affixed to the
22 vehicle on both sides of the vehicle in a color or colors that
23 vividly contrast the color of the vehicle the name, address, and
24 telephone number of the towing agency. A decal furnished for a
25 towing vehicle by the Michigan public service commission under
26 section 8 of the motor carrier act, 1933 PA 254, MCL 479.8, must be
27 attached to a conspicuous location on the vehicle for which it was
28 issued as directed by the commission. A towing agency vehicle must
29 not be marked in a way that indicates the vehicle is a police-

1 agency-authorized vehicle or associated with a municipality.

2 Sec. 276. A towing agency vehicle must carry a copy of the
3 current license provided under section 270. The copy of the license
4 may be a photograph, photocopy, or reproduction by another legible
5 and durable process. If a person found responsible of not carrying
6 or displaying a copy of the license shows at a hearing that the
7 license was issued by the department of licensing and regulatory
8 affairs but was subsequently lost or destroyed, the person may be
9 excused from the payment of a fine.

10 Sec. 277. (1) A towing agency shall not do either of the
11 following:

12 (a) Include in a contract for the relocation or storage of
13 vehicles any clause that purports to waive or limit the towing
14 agency's liability under this chapter.

15 (b) Require a vehicle's owner or operator to sign a document
16 that purports to waive or limit the towing agency's liability under
17 this chapter.

18 (2) A contract, release, or other document that purports to
19 waive or limit the towing agency's liability to a vehicle's owner
20 or operator under this chapter is null and void.

21 Sec. 278. (1) The department of licensing and regulatory
22 affairs may request documentation from or investigate the business
23 practices of a towing agency to determine compliance with this
24 chapter.

25 (2) Except as otherwise provided, failure to comply with any
26 section of this chapter, as determined by the department of
27 licensing and regulatory affairs, shall subject a towing agency to
28 the following penalties:

29 (a) For a first violation, suspension of license, a fine up to

1 \$1,000.00, or both.

2 (b) For a second violation, suspension of license and a fine
3 up to \$5,000.00, or revocation of license.

4 (c) For a third violation, revocation of license.

5 Sec. 279. In addition to any other penalty or remedy under
6 this section or the Michigan consumer protection act, 1976 PA 331,
7 MCL 445.901 to 445.922, a towing agency that relocates or stores
8 damaged or disabled vehicles that fails to comply with the
9 following sections is responsible for a civil infraction or guilty
10 of a misdemeanor punishable as follows:

11 (a) For a violation of section 270 or 271, 1 of the following
12 as applicable:

13 (i) For a first violation, the individual is guilty of a
14 misdemeanor punishable by imprisonment for not more than 90 days, a
15 fine of not more than \$500.00, or both.

16 (ii) For a violation that occurs after 1 or more prior
17 convictions, the individual is guilty of a misdemeanor punishable
18 by imprisonment for not more than 1 year, a fine of not more than
19 \$1,000.00, or both.

20 (b) For a violation of section 272, 273, 274, 277, or 280, 1
21 of the following, as applicable:

22 (i) For a first violation, the individual is responsible for a
23 civil infraction.

24 (ii) For a violation that occurs after 1 or more prior
25 judgments, the individual is guilty of a misdemeanor punishable by
26 imprisonment for not more than 90 days, a fine of not more than
27 \$500.00, or both.

28 Sec. 280. A towing agency shall accept payment for accrued
29 towing or storage charges under this chapter by any debit card,

1 major credit card, certified check, or cash.

2 Sec. 281. (1) A towing agency shall be insured for all of the
3 following:

4 (a) All risks associated with the transportation of vehicles
5 towed under this chapter.

6 (b) All areas where a vehicle towed under this chapter is
7 impounded or stored, including, but not limited to, adequate
8 coverage for loss by fire, theft, and other risks.

9 (2) Upon the demand of a vehicle's owner or operator, a towing
10 agency shall promptly supply proof of the existence of the
11 insurance under subsection (1).

12 (3) If the department of licensing and regulatory affairs
13 finds that a towing agency has violated this section, the towing
14 agency shall be fined not less than \$100.00 or more than \$500.00.

15 Sec. 282. The department of licensing and regulatory affairs
16 shall use the fines and fees collected under this chapter for the
17 costs of administration and enforcement of this chapter.

18 Sec. 283. (1) A police agency with a duty to remove vehicles
19 from public or private property in accordance with section 252d
20 shall maintain a tow rotation list of towing agencies that may
21 remove damaged or disabled vehicles in accordance with section
22 252d. A towing agency operating in the jurisdiction of a police
23 agency may submit an application in a form and manner prescribed by
24 the police agency for inclusion on the police agency's tow rotation
25 list. The police agency selects the towing agencies that are
26 included on a tow rotation list. A complaint about a police
27 agency's process for inclusion on a tow rotation list or the use of
28 a tow rotation list must be referred in writing to the head of the
29 police agency administering that tow rotation list. The head of the

1 police agency makes the final determination on the towing agencies
2 that are included on a tow rotation list and must not be held
3 personally liable for the exclusion of a towing agency from a tow
4 rotation list.

5 (2) If a police officer initiates a tow of a damaged or
6 disabled vehicle, the police officer shall inform the police
7 officer's agency or police dispatch center that a tow has been
8 authorized. The police agency shall contact a towing agency from
9 the police agency's tow rotation list that serves the geographical
10 area where the tow was authorized, and shall contact the towing
11 agency directly using a method provided on the application under
12 subsection (1). Except as otherwise provided in this section, the
13 towing agencies must be contacted in the order listed on the
14 appropriate tow rotation list, at which point the towing agency
15 shall be placed at the end of that tow rotation list. If a listed
16 towing agency is not available, the next listed towing agency on
17 that tow rotation list must be contacted.

18 (3) A police agency may deviate from the order listed on a tow
19 rotation list if the towing agency next on that tow rotation list
20 is, in the judgment of the authorizing officer or the police
21 agency, incapable of or not properly equipped for a specific task
22 related to the tow that requires special skills or equipment. A
23 deviation from the order listed on the tow rotation list under this
24 subdivision shall not cause the towing agency determined to be
25 incapable or not properly equipped to handle the request to lose
26 the next turn on the tow rotation list.

27 (4) In the event of an emergency, a police officer or agency,
28 taking into account public safety and the location of the
29 emergency, may deviate from the order of the tow rotation list and

1 obtain towing services from any source deemed appropriate.

2 (5) Except as provided in subsection (6), a person shall not
3 travel to the scene of a motor vehicle accident or a disabled
4 vehicle located on public property, property open to the public, or
5 a state trunk line highway and solicit business for a towing
6 agency. A person that violates this subsection is responsible for a
7 civil infraction and shall be ordered to pay a civil fine of
8 \$1,000.00.

9 (6) Subsection (5) shall not apply if either of the following
10 conditions occurs:

11 (a) A police agency that has jurisdiction over the scene of
12 the accident or disabled vehicle, or an individual involved in that
13 accident or disabled vehicle, requests a towing agency to come to
14 the scene, whether or not that towing agency is next on the police
15 agency's tow rotation list.

16 (b) A towing agency that does not travel to the scene of a
17 motor vehicle accident or disabled vehicle as described in
18 subsection (1) for the purpose of soliciting business for a towing
19 agency offers assistance to a stranded motorist without creating a
20 nuisance or interfering with management of a motor vehicle accident
21 by law enforcement.

22 (7) Subject to section 252d, a police agency at the scene of a
23 vehicle that needs to be towed shall permit an owner or operator of
24 a motor vehicle to request the towing agency of the owner's or
25 operator's choice unless 1 or more of the following apply:

26 (a) The vehicle is involved in a suspected criminal activity,
27 fatality, or law enforcement investigation.

28 (b) The vehicle is being impounded.

29 (c) If the vehicle is creating a road or safety hazard as

1 determined by law enforcement at the scene, the requested towing
2 agency is unavailable or cannot respond in a timely manner.

3 Sec. 284. A person that suffered from a towing agency's
4 violation of this act may bring an action in any court that has
5 jurisdiction to recover treble damages, costs of the action, and
6 reasonable attorney fees.

7 Sec. 676c. (1) Except as provided in subsection (2), a person
8 shall not travel to the scene of a motor vehicle accident or a
9 disabled vehicle located on public property, property open to the
10 public, or a state trunk line highway and solicit business for a
11 wrecker, recovery, or towing ~~service~~-**agency**. A person who violates
12 this subsection is responsible for a civil infraction and shall be
13 ordered to pay a civil fine of \$1,000.00.

14 (2) Subsection (1) does not apply if any of the following
15 conditions apply:

16 (a) A law enforcement agency having jurisdiction over the
17 scene of the accident or disabled vehicle, or an individual
18 involved in that accident or disabled vehicle, requests the owner
19 or operator of a wrecker or towing ~~service~~-**agency** to come to the
20 scene.

21 (b) A wrecker, recovery truck, or tow truck operator, who does
22 not travel to the scene of a motor vehicle accident or disabled
23 vehicle as described in subsection (1) for the purpose of
24 soliciting business for a wrecker, recovery, or towing ~~service~~,
25 **agency**, offers assistance to a stranded motorist without creating a
26 nuisance or interfering with management of a motor vehicle accident
27 by law enforcement.

28 (3) Subject to section 252d, the law enforcement agency at the
29 scene shall permit an owner or operator of a motor vehicle to

1 request the towing, wrecker, or recovery service or roadside
 2 assistance service of ~~his or her~~ **the owner or operator's** choice
 3 unless the vehicle is involved in a suspected criminal activity,
 4 fatality, or law enforcement investigation, if the vehicle is being
 5 impounded, or if the requested preference wrecker service is
 6 unavailable or cannot respond within a timely manner and the
 7 vehicle is creating a road or safety hazard as determined by law
 8 enforcement at the scene.

9 Sec. 676d. (1) A local unit of government shall not require as
 10 a term of a contract with a wrecker, recovery, or towing ~~service~~
 11 **agency** that the wrecker, recovery, or towing ~~service~~**agency** pay a
 12 fee to that local unit of government for responding to the scene of
 13 an impound, accident, disabled vehicle, or abandoned vehicle and
 14 providing wrecker, recovery, or towing ~~services~~**agency**. A local
 15 unit of government shall not accept a payment, commission, or
 16 portion of wrecker, recovery, or towing ~~service~~**agency** fees from a
 17 wrecker, recovery, or towing ~~service~~**agency** in exchange for
 18 securing business for that wrecker, recovery, or towing
 19 ~~service~~**agency**.

20 (2) A wrecker, recovery, or towing ~~service~~**agency** shall not
 21 offer to a local unit of government a payment, fee, or commission
 22 to induce the local unit of government to enter into a contract
 23 with or secure business for the wrecker, recovery, or towing
 24 ~~service~~**agency**.

25 (3) This section only applies to a contract between a local
 26 unit of government and a wrecker, recovery, or towing ~~service~~
 27 **agency** that is entered into or renewed after January 7, 2015.

28 Sec. 907. (1) A violation of this act, or a local ordinance
 29 that substantially corresponds to a provision of this act, that is

1 designated a civil infraction must not be considered a lesser
2 included offense of a criminal offense.

3 (2) Permission may be granted for payment of a civil fine and
4 costs to be made within a specified period of time or in specified
5 installments but, unless permission is included in the order or
6 judgment, the civil fine and costs must be payable immediately.
7 Except as otherwise provided, a person found responsible or
8 responsible "with explanation" for a civil infraction must pay
9 costs as provided in subsection (4) and 1 or more of the following
10 civil fines, as applicable:

11 (a) Except as otherwise provided, for a civil infraction under
12 this act or a local ordinance that substantially corresponds to a
13 provision of this act, the person must be ordered to pay a civil
14 fine of not more than \$100.00.

15 (b) If the civil infraction was a moving violation that
16 resulted in an at-fault collision with another vehicle, an
17 individual, or any other object, the civil fine ordered under this
18 section is increased by \$25.00 but the total civil fine must not be
19 more than \$100.00.

20 (c) For a violation of section 240, the civil fine ordered
21 under this section is \$15.00.

22 **(d) For a violation of section 283, the civil fine ordered**
23 **under this section must not be more than \$1,000.00.**

24 **(e)** ~~(d)~~ For a violation of section 312a(4) (a), the civil fine
25 ordered under this section must not be more than \$250.00.

26 **(f)** ~~(e)~~ For a first violation of section 319f(1), the civil
27 fine ordered under this section must not be less than \$2,500.00 or
28 more than \$2,750.00; for a second or subsequent violation, the
29 civil fine must not be less than \$5,000.00 or more than \$5,500.00.

1 **(g)** ~~(f)~~—For a violation of section 319g(1) (a), the civil fine
2 ordered under this section must not be more than \$10,000.00.

3 **(h)** ~~(g)~~—For a violation of section 319g(1) (g), the civil fine
4 ordered under this section must not be less than \$2,750.00 or more
5 than \$25,000.00.

6 **(i)** ~~(h)~~—For a violation of section 602b, the civil fine
7 ordered under this section must be as follows:

8 **(i)** For a violation of section 602b(1), either of the
9 following:

10 **(A)** If the violation does not involve an accident, \$100.00 for
11 a first offense and \$250.00 for a second or subsequent offense.

12 **(B)** If the violation involves an accident, \$200.00 for a first
13 offense and \$500.00 for a second or subsequent offense.

14 **(ii)** For a violation of section 602b(2), either of the
15 following:

16 **(A)** If the violation does not involve an accident, \$200.00 for
17 a first offense and \$500.00 for a second or subsequent offense.

18 **(B)** If the violation involves an accident, \$400.00 for a first
19 offense and \$1,000.00 for a second or subsequent offense.

20 **(j)** ~~(i)~~—For a violation of section 674(1) (s) or a local
21 ordinance that substantially corresponds to section 674(1) (s), the
22 civil fine ordered under this section must not be less than \$100.00
23 or more than \$250.00.

24 **(k)** ~~(j)~~—For a violation of section 676a(3), the civil fine
25 ordered under this section must not be more than \$10.00.

26 **(l)** ~~(k)~~—For a violation of section 676c, the civil fine ordered
27 under this section is \$1,000.00.

28 **(m)** ~~(l)~~—For a violation of section 682 or a local ordinance
29 that substantially corresponds to section 682, the civil fine

1 ordered under this section must not be less than \$100.00 or more
2 than \$500.00.

3 (n) ~~(m)~~—For a violation of section 710d, the civil fine
4 ordered under this section must not be more than \$10.00, subject to
5 subsection (11).

6 (o) ~~(n)~~—For a violation of section 710e, the civil fine and
7 court costs ordered under this subsection must be \$25.00.

8 (3) Except as otherwise provided in this section, if an
9 individual is determined to be responsible or responsible "with
10 explanation" for a civil infraction under this act or a local
11 ordinance that substantially corresponds to a provision of this act
12 while driving a commercial motor vehicle, the individual must be
13 ordered to pay costs as provided in subsection (4) and a civil fine
14 of not more than \$250.00.

15 (4) If a civil fine is ordered under subsection (2) or (3),
16 the judge or district court magistrate shall summarily tax and
17 determine the costs of the action, which are not limited to the
18 costs taxable in ordinary civil actions, and may include all
19 expenses, direct and indirect, to which the plaintiff has been put
20 in connection with the civil infraction, up to the entry of
21 judgment. Costs must not be ordered in excess of \$100.00. A civil
22 fine ordered under subsection (2) or (3) must not be waived unless
23 costs ordered under this subsection are waived. Except as otherwise
24 provided by law, costs are payable to the general fund of the
25 plaintiff.

26 (5) In addition to a civil fine and costs ordered under
27 subsection (2) or (3) and subsection (4) and the justice system
28 assessment ordered under subsection (12), the judge or district
29 court magistrate may order the individual to attend and complete a

1 program of treatment, education, or rehabilitation.

2 (6) A district court magistrate shall impose the sanctions
3 permitted under subsections (2), (3), and (5) only to the extent
4 expressly authorized by the chief judge or only judge of the
5 district court district.

6 (7) Each district of the district court and each municipal
7 court may establish a schedule of civil fines, costs, and
8 assessments to be imposed for civil infractions that occur within
9 the respective district or city. If a schedule is established, it
10 must be prominently posted and readily available for public
11 inspection. A schedule need not include all violations that are
12 designated by law or ordinance as civil infractions. A schedule may
13 exclude cases on the basis of a defendant's prior record of civil
14 infractions or traffic offenses, or a combination of civil
15 infractions and traffic offenses.

16 (8) The state court administrator shall annually publish and
17 distribute to each district and court a recommended range of civil
18 fines and costs for first-time civil infractions. This
19 recommendation is not binding on the courts that have jurisdiction
20 over civil infractions but is intended to act as a normative guide
21 for judges and district court magistrates and a basis for public
22 evaluation of disparities in the imposition of civil fines and
23 costs throughout this state.

24 (9) If a person has received a civil infraction citation for
25 defective safety equipment on a vehicle under section 683, the
26 court shall waive a civil fine, costs, and assessments on receipt
27 of certification by a law enforcement agency that repair of the
28 defective equipment was made before the appearance date on the
29 citation.

1 (10) A default in the payment of a civil fine or costs ordered
2 under subsection (2), (3), or (4) or a justice system assessment
3 ordered under subsection (12), or an installment of the fine,
4 costs, or assessment, may be collected by a means authorized for
5 the enforcement of a judgment under chapter 40 of the revised
6 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
7 under chapter 60 of the revised judicature act of 1961, 1961 PA
8 236, MCL 600.6001 to 600.6098.

9 (11) ~~The~~ **Before the effective date of 2024 PA 22, the court**
10 **may waive any civil fine, cost, or assessment against an individual**
11 **who received a civil infraction citation for a violation of section**
12 **710d if the individual, before the appearance date on the citation,**
13 **supplies the court with evidence of acquisition, purchase, or**
14 **rental of a child seating system that meets the requirements of**
15 **section 710d. Beginning on the effective date of 2024 PA 22, the**
16 court may waive any civil fine, cost, or assessment against an
17 individual who received a civil infraction citation for a violation
18 of section 710d if the individual, before the appearance date on
19 the citation, supplies the court with evidence of acquisition of a
20 child seating system that meets the requirements of section 710d
21 and evidence that the individual has received education from a
22 certified child passenger safety technician.

23 (12) In addition to any civil fines or costs ordered to be
24 paid under this section, the judge or district court magistrate
25 shall order the defendant to pay a justice system assessment of
26 \$40.00 for each civil infraction determination, except for a
27 parking violation or a violation for which the total fine and costs
28 imposed are \$10.00 or less. On payment of the assessment, the clerk
29 of the court shall transmit the assessment collected to the state

1 treasury to be deposited into the justice system fund created in
2 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
3 600.181. An assessment levied under this subsection is not a civil
4 fine for purposes of section 909.

5 (13) If a person has received a citation for a violation of
6 section 223, the court shall waive any civil fine, costs, and
7 assessment on receipt of certification by a law enforcement agency
8 that the person, before the appearance date on the citation,
9 produced a valid registration certificate that was valid on the
10 date the violation of section 223 occurred.

11 (14) If a person has received a citation for a violation of
12 section 328(1) for failing to produce a certificate of insurance
13 under section 328(2), the court may waive the fee described in
14 section 328(3)(c) and shall waive any fine, costs, and any other
15 fee or assessment otherwise authorized under this act on receipt of
16 verification by the court that the person, before the appearance
17 date on the citation, produced valid proof of insurance that was in
18 effect when the violation of section 328(1) occurred. Insurance
19 obtained after the violation occurred does not make the person
20 eligible for a waiver under this subsection.

21 (15) If a person is determined to be responsible or
22 responsible "with explanation" for a civil infraction under this
23 act or a local ordinance that substantially corresponds to a
24 provision of this act and the civil infraction arises out of the
25 ownership or operation of a commercial quadricycle, the person must
26 be ordered to pay costs as provided in subsection (4) and a civil
27 fine of not more than \$500.00.

28 (16) As used in this section, "moving violation" means an act
29 or omission prohibited under this act or a local ordinance that

1 substantially corresponds to this act that involves the operation
2 of a motor vehicle and for which a fine may be assessed.

3 Enacting section 1. Section 676c of the Michigan vehicle code,
4 1949 PA 300, MCL 257.676c, is repealed.

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Bill No. ____ or House Bill No. 6063 (request no.
7 04264'23) of the 102nd Legislature is enacted into law.